



# CITY OF LODI

## COUNCIL COMMUNICATION

AGENDA TITLE: Communications (January 7, 1992 through January 28, 1992)

MEETING DATE: February 5, 1992

PREPARED BY: City Clerk

### RECOMMENDED ACTION:

#### AGENDA ITEM

#### RECOMMENDATION

That the City Council review the attached appeal of Cal-Pac Roofing, Inc. and take action as deemed appropriate.

BACKGROUND INFORMATION: The following communication was received between the dates of January 7, 1992 and January 28, 1992.

Attached is a letter received from Cal-Pac Roofing, Inc. (marked Exhibit A) appealing the decision of the Lodi Chief Building Official not to let their company roof over existing shake and wood shingle roofs with Decrabond Tile as per C80 Report 3009.

FUNDING: None required at this time.

Alice M. Reimche  
City Clerk

APPROVED \_\_\_\_\_

THOMAS A PETERSON  
City Manager



recycled paper



CONTRACTOR'S LIC NO 519930  
11350 Monier Park Place  
Rancho Cordova, CA 95742  
(916) 635-6300  
(800) 422 1450

JANUARY 2, 1997

CITY COUNCIL  
CITY OF LODI  
221 WEST PINE STREET  
LODI, CA 95241-1910

DEAR CITY COUNCIL MEMBERS:

APPEAL OF DECISION BY CHIEF BUILDING OFFICIAL NOT TO LET US  
ROOF OVER EXISTING SHAKE AND WOOD SHINGLE ROOFS WITH DECRA TILE  
AS PER ICBO REPORT 3409.

CURRENTLY THE CHIEF BUILDING OFFICIAL DOES NOT ALLOW US TO  
RE-ROOF OVER SHAKE OR WOOD SHINGLE EVEN THOUGH WE HAVE AN ICBO  
REPORT THAT ALLOWS THAT METHOD OF INSTALLATION.

THE ISSUES ARE AS FOLLOWS:

1) ADDITIONAL WEIGHT:

OUR PRODUCT WEIGHS 1 1/2 LBS./SQ.FT. AN EXISTING  
HEAVY SHAKE ROOF WEIGHS ABOUT 2 1/4 LBS./SQ.FT. WHEN DRY,  
INCREASING TO 3 1/2 LBS./SQ.FT. WHEN WET. OUR ROOF  
INSTALLED OVER A HEAVY SHAKE WEIGHS ABOUT 3 3/4  
LBS./SQ.FT., marginally heavier than the existing shake  
roof when wet and well with in the design load limit of 7  
LBS./SQ.FT. WE FEEL THAT OUR PRODUCT IS BEING CONFUSED  
WITH OTHER SO CALLED "LIGHT WEIGHT" ROOFING TILES" WHICH  
WEIGH 6-8 LBS./SQ.FT. AND REQUIRE THE CONDITIONS REQUIRED  
BY YOUR BUILDING DEPARTMENT.

2) CONDITION OF EXISTING ROOF STRUCTURE:

DRY-ROT (OR MORE CORRECTLY WET ROT) NEEDS MOISTURE TO  
EXIST. IT IS MOSTLY FOUND AROUND THE PERIMETER OF A  
STRUCTURE, ALONG THE EAVES. OUR METHOD OF INSTALLATION  
ENSURES WE FIND AND REPLACE ANY DAMAGED WOOD.

3) ATTACHMENT OF ROOF TO EXISTING ROOF SUB-STRUCTURE:

WE INSTALL A LUMBER GRID SYSTEM WHICH IS ATTACHED THROUGH  
THE EXISTING WOOD SHINGLE OR SHAKE ROOF TO THE STRUCTURE  
BELOW. OUR ROOF SYSTEM PROVIDES A STRUCTURAL DIAPHRAGM  
EQUIVALENT TO INSTALLING 15/32 PLYWOOD AND IMPROVES THE  
DIAPHRAGM CREATED BY SPACED SHEATHING BY APPROXIMATELY  
300%.

2278 Pike Ct., Suite D  
Concord, CA 94520  
(415) 827-3693  
(800) 365-7227

1160 A Industrial Ave  
Petaluma, CA 94952  
(707) 765-9980  
(800) 564-7564

1092 Florence Way  
Campbell, CA 95008  
(408) 378-0450  
(800) 562-6222

1673 Donlon St. #205  
Ventura, CA 93003  
(805) 650-8682  
(800) 882-6676

9272 Jeronimo #120  
Irvine, CA 92718  
(714) 583-0884  
(800) 433-5644

7370 Opportunity Rd., Suite O  
San Diego, CA 92111  
(619) 268-1215  
(800) 548-5404

CURRENT REQUIREMENTS BY YOUR CITY:

- 1) TEAR OFF OF EXISTING ROOF.
- 2) INSTALL PLYWOOD OR FILL IN THE SKIP SHEATHING.
- 3) INSTALL FELT.
- 4) INSTALL OUR ROOF SYSTEM.

COST FOR ITEMS 1-3 IS ABOUT **\$2700.00** FOR AN AVERAGE HOME IN LODI. WE BELIEVE THAT THIS IS AN UNNECESSARY ADDITIONAL EXPENSE TO YOUR CONSTITUENTS.

LEAVING THE EXISTING ROOF ACCOMPLISHES THE FOLLOWING:

- PROTECTS THE STRUCTURE WHILE WORK IS IN PROGRESS.
- AVOIDS DUMPING APPROXIMATELY 30 CUBIC YARDS OF CEDAR (WHICH DOES NOT READILY DECOMPOSE) IN YOUR LAND FILLS.
- ALLOWS THE HOMEOWNER TO RETAIN THE INSULATION PROVIDED BY THE EXISTING SHAKE OR WOOD SHINGLE ROOF.
- ALLOWS THE HOMEOWNER TO PURCHASE A SUPERIOR ROOF AT A REDUCED COST.

WE HAVE ALWAYS BEEN A RESPONSIBLE CONTRACTOR STRIVING TO PROVIDE QUALITY WORK AND ABIDE BY THE BUILDING CODES. WE PROVIDE OUR CUSTOMERS WITH A **20** YEAR WORKMANSHIP WARRANTY AND HAVE SUCCESSFULLY INSTALLED MORE THAT 50,000 ROOFS OVER SHAKE OR WOOD SHINGLE IN THE STATE OF CALIFORNIA.

AS REQUESTED IN YOUR LETTER DATED NOVEMBER **27, 1991**, I AM ENCLOSING A COPY OF ICBO REPORT **3409** TO SUPPORT OUR POSITION.

WE ARE CONCERNED THAT SECTION 204 (A) OF THE UNIFORM BUILDING CODE IS NOT BEING FOLLOWED, SPECIFICALLY AS IT RELATES TO MEMBERS OF THE BOARD OF APPEALS NOT BEING EMPLOYEES OF YOUR JURISDICTION. PLEASE ADVISE OF YOUR POSITION ON THIS MATTER.

PLEASE ALLOW US TO PRESENT YOU WITH DOCUMENTATION TO WITH YOU THE THE FOREGOING CLAIMS AND AN OPPORTUNITY TO SHARE MANY BENEFITS OUR ROOFING SYSTEM PROVIDES.

SINCERELY,

  
DAN SMUTS  
V.P. OPERATIONS

NORTHERN CALIFORNIA  
CAL-PAC ROOFING

CITY OF LODI  
MEMORANDUM FROM THE OFFICE OF THE CITY ATTORNEY  
=====

To: James B. Schroeder, Community Development Director  
From: Bob McNatt, City Attorney  
Date: January 15, 1992  
Subject: BOARD OF APPEALS (UNIFORM BUILDING CODE)

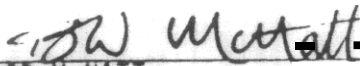
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In response to the January 2, 1992 letter from Dan Smuts, Vice President of Cal-Pac Roofing, I have done some research regarding the composition of the Building Board of Appeals. The point he expressed was that Section 204(A) of the Uniform Building Code states that the appeals board shall not be "employees" of the City. Since the City Council, in Lodi Municipal Code Section 15.04.040, has designated itself to be the Building Board of Appeals, Mr. Smuts apparently believes this violates the "no employees" provision.

I believe he is incorrect. Under Government Code Section 36501, city council members are "officers" of a municipality, as distinguished from "employees". There are numerous cases distinguishing between "employees" and "officers". (Sharpe v. Los Angeles 136 Cal.App. 732; Chavez v. Sprague 25 Cal. Rptr. 603)

Even if these cases and statutes did not exist, the Council could still appoint itself the Appeals Board, since it is not mandatory that cities adopt the UBC in any specific form. The Standard Codes (including UBC) are merely a convenience to establish some degree of uniformity throughout the country. A city is free if it wishes to adopt an entirely different set of regulations or to adopt the Codes with any modifications deemed appropriate. That is what Lodi has done in Chapter 15.04 of the Municipal Code. This Chapter contains several modifications to the UBC. These include LMC Section 15.04.040 which explicitly amends UBC Section 204 to name the Council as the Board of Appeals.

As such, it is entirely proper for the Council to act as the Appeals Board for matters involving the UBC. Please let me know if there are further questions.

  
\_\_\_\_\_  
BOB McNATT  
City Attorney

BM:vc

cc: Roger Houston, Chief Building Inspector



RECEIVED  
JAN-8 PM 3:17  
ALICE H. FARRER  
CITY CLERK  
CITY OF MDI

JANUARY 2, 1992

CITY COUNCIL  
CITY OF MDI  
221 WEST PINE STREET  
MDI, CA 95241-1910

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INSTALLED OVER A HEAVY SHAKE WEIGHS ABOUT **3 3/11**  
**LBS/SQ.FT.**, MARGINALLY HEAVIER THAN THE EXISTING SHAKE  
ROOF WHEN WET AND WELL WITH IN THE DESIGN LOAD LIMIT OF **7**  
**LBS/SQ.FT.** WE FEEL THAT OUR PRODUCT IS BEING CONFUSED  
WITH OTHER SO CALLED "LIGHT WEIGHT ROOFING TILES" WHICH  
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SINCERELY,



DAN SMUTS

W.P. OPERATIONS  
NORTHERN CALIFORNIA  
CAL-PAC ROOFING

official after receipt of such notice to make the structure, or portion thereof, comply with the requirements of this code.

(f) **Liability.** The building official, or his authorized representative charged with the enforcement of this code, acting in good faith and without malice in the discharge of his duties, shall not thereby render himself personally liable for any damage that may accrue to persons or property as a result of any act or by reason of any act or omission in the discharge of his duties. Any suit brought against the building official or employee because of such act or omission performed by him in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of this code or enforced by the code enforcement agency shall be defended by this jurisdiction until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by this jurisdiction.

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or its parent jurisdiction be held as assuming any such liability by reason of the inspections authorized by this code or any permits or certificates issued under this code.

(g) **Cooperation of Other Officials and Officers.** The building official may request, and shall receive so far as is required in the discharge of his duties, the assistance and cooperation of other officials of this jurisdiction,

### Unsafe Buildings or Structures

**Sec. 203.** All buildings or structures regulated by this code which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life are, for the purpose of this section, unsafe. Any use of buildings or structures constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is, for the purpose of this section, an unsafe use. Parapet walls, cornices, spires, towers, tanks, statuary and other appendages or structural members which are supported by, attached to, or a part of a building and which are in deteriorated condition or otherwise unable to sustain the design loads which are specified in this code are hereby designated as unsafe building appendages.

All such unsafe buildings, structures or appendages are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in the Dangerous Buildings Code or such alternate procedures, as may have been or as may be adopted by this jurisdiction. As an alternative, the building official, or other employee or official of this jurisdiction as designated by the governing body, may institute any other appropriate action to prevent, restrain, correct or abate the violation.

### Board of Appeals

**Sec. 204. (a) General.** In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and

interpretation of this code, there shall be and is hereby created a Board of Appeals consisting of members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the jurisdiction. The building official shall be an ex officio member of and shall act as secretary to said board but shall have no vote upon any matter before the board. The Board of Appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

(b) **Limitations of Authority.** The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the Board be empowered to waive requirements of this code.

### Violations

**Sec. 205.** It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this code.

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DECLARATION OF MAILING

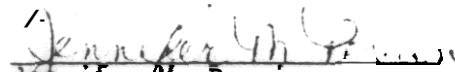
On February 6, 1992 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California. and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 6, 1992. at Lodi, California.

\_\_\_\_\_  
Alice M. Reimche  
City Clerk

  
\_\_\_\_\_  
Jennifer M. Perrin  
Deputy City Clerk





# CITY OF LODI

CARNEGIE FORUM  
305 West Pine Street, Lodi

## NOTICE OF PUBLIC HEARING

Date: February 19, 1992

Time: 7:30 p.m.

For Information regarding this Public Hearing  
Please Contact:

**Alice M. Reimche**  
City Clerk

Telephone: 333-6702

## NOTICE OF PUBLIC HEARING

February 19, 1992

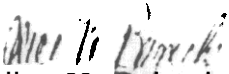
NOTICE IS HEREBY GIVEN that on Wednesday, at the hour of 7:30 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing to consider the following matter:

1. Appeal of Cal-Pac Roofing, Inc., 11350 Monier Park Place, Rancho Cordova, California 95742 appealing the decision of the Lodi Chief Building Official not to let their company roof over existing shake and wood shingle roofs with Oecrabond Tile as per ICBO Report 3409

Information regarding this item may be obtained in the office of the Community Development Director at 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.


If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order Of the Lodi City Council:

  
Alice M. Reimche  
City Clerk

Dated: February 5, 1992

Approved as to form:

  
Bobby W. McNatt  
city Attorney

■  
.—  
CAL-PAC ROOFING APPEAL  
MAILING LIST  
EXHIBIT B

Cal-Pac Roofing. Inc.  
11350 Monier Park Place  
Rancho Cordova, CA 95742

James B. Schroeder  
Community Development Director

Roger Houston  
Chief Building Official

**CITY COUNCIL**

JAMES W. PINKERTON, Mayor

PHILLIP A. PENNINO

Mayor Pro Tempore

DAVID M. HINCHMAN

JACK A. SIEGLOCK

JOHN R. (Randy) SNIDER

**CITY OF LODI**

CITY HALL, 221 WEST PINE STREET

PO. BOX 3006

LODI, CALIFORNIA 95241-1910

(209) 334-5634

FAX (209) 333-6795

THOMAS A. PETERSON  
City Manager

ALICE M. REIMCHE  
City Clerk

BOB McNATT  
City Attorney

February 5, 1992

**Mr. Dan Smuts**

Vice President-Operations

Northern California

Cal-Pac Roofing, Inc.

11350 Monier Park Place

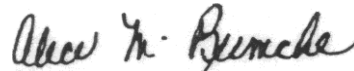
Rancho Cordova, CA 95742

Dear Mr. Smuts:

Please be advised that your January 2, 1992 letter appealing the decision of the Lodi Chief Building Official not to let your company roof over existing shake and wood shingle roofs with Oecrabond Tile as per ICBO Report 3409 was presented to the Lodi City Council at its February 5, 1992 meeting. The City Council set the matter for public hearing in the Carnegie Forum, 305 West Pine Street, Lodi at 7:30 p.m. on February 19, 1992.

Should you have any questions regarding this matter, please do not hesitate to call this office.

Very truly yours,



Alice M. Reimche  
City Clerk

AMR/jmp

cc: James B. Schroeder, Community Development Director  
Roger Houston, Chief Building Official